

HOUSE CS FOR SENATE BILL NO. 21(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 5/7/21

Referred: Rules

Sponsor(s): SENATORS REVAK, Costello, Hughes, Micciche, Wilson, Gray-Jackson, Olson, Kawasaki, Stevens

REPRESENTATIVES Schrage, Cronk, Nelson, McCarty

A BILL

FOR AN ACT ENTITLED

"An Act relating to occupational licensing of members of the military and their spouses; relating to mobile intensive care paramedics; relating to duties of the State Medical Board and the Department of Health and Social Services; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* **Section 1.** AS 08.01.063(a) is amended to read:

(a) Except as provided in (d) of this section, and notwithstanding another provision of law, the department or appropriate board shall [MAY] issue a temporary courtesy license to an active duty member of the armed forces of the United States or the spouse of an active duty member of the armed forces of the United States if the active duty member or spouse meets the requirements of this section and applies to the department or appropriate board in the manner prescribed by the department or appropriate board. An application must include evidence satisfactory to the department or appropriate board that the applicant

(1) is **an active duty member of the armed forces of the United States or is** married to and living with a member of the armed forces of the United States who is on active duty and assigned to a duty station in this state under official active duty military orders;

(2) holds a current license or certificate in another state, district, or territory of the United States with requirements that the department or appropriate board determines are equivalent to those established under this title for that occupation;

(3) if required by the department or appropriate board for obtaining a license in the applicant's profession, has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

(4) has not committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice that occupation under this title at the time the act was committed;

(5) has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction; and

(6) pays any fees required under this title.

* **Sec. 2.** AS 08.01.063(b) is amended to read:

(b) The department or appropriate board shall **issue a temporary license under this section to a person who meets the requirements** [EXPEDITE THE PROCEDURE FOR ISSUANCE OF A LICENSE] under (a) of this section **within 30 days after the department or appropriate board receives the person's completed application for the temporary license.**

* **Sec. 3.** AS 08.64.107 is amended to read:

Sec. 08.64.107. Regulation of physician assistants [AND INTENSIVE

CARE PARAMEDICS]. The board shall adopt regulations regarding the licensure of physician assistants [AND REGISTRATION OF MOBILE INTENSIVE CARE PARAMEDICS,] and the medical services that they may perform, including the

(1) educational and other qualifications, including education in pain management and opioid use and addiction;

(2) application and **licensing** [REGISTRATION] procedures;

(3) scope of activities authorized; and

(4) responsibilities of the supervising or training physician.

* **Sec. 4.** AS 08.64.170(a) is amended to read:

(a) A person may not practice medicine, podiatry, or osteopathy in the state unless the person is licensed under this chapter, except that

(1) a physician assistant may examine, diagnose, or treat persons under the supervision, control, and responsibility of either a physician licensed under this chapter or a physician exempted from licensing under AS 08.64.370;

(2) [A MOBILE INTENSIVE CARE PARAMEDIC MAY RENDER EMERGENCY LIFESAVING SERVICE;

(3)] a person who is licensed or authorized under another **law of the state** [CHAPTER OF THIS TITLE] may engage in a practice that is authorized under that **law** [CHAPTER]; and

(3) [(4)] a person may perform routine medical duties delegated under AS 08.64.106.

* **Sec. 5.** AS 08.64.360 is amended to read:

Sec. 08.64.360. Penalty for practicing without a license or in violation of chapter. Except for a physician assistant [, A MOBILE INTENSIVE CARE PARAMEDIC,] or a person licensed or authorized under another **law of the state** [CHAPTER OF THIS TITLE] who engages in practices for which that person is licensed or authorized under that **law** [CHAPTER], a person practicing medicine or osteopathy in the state without a valid license or permit is guilty of a class A misdemeanor. Each day of illegal practice is a separate offense.

* **Sec. 6.** AS 08.64.369(d) is amended to read:

(d) In this section, "health care professional" includes an emergency medical

1 technician certified under AS 18.08, health aide, physician, nurse, mobile intensive
 2 care paramedic **licensed under AS 18.08**, and physician assistant, but does not include
 3 a practitioner of religious healing.

4 * **Sec. 7.** AS 12.55.185(11) is amended to read:

5 (11) "paramedic" means a mobile intensive care paramedic licensed
 6 under **AS 18.08** [AS 08.64];

7 * **Sec. 8.** AS 18.08.075 is amended to read:

8 **Sec. 18.08.075. Authority of emergency medical technician and mobile**
 9 **intensive care paramedic**. (a) An emergency medical technician **or mobile intensive**
 10 **care paramedic** who responds to an emergency with an ambulance service or first
 11 responder service, who has in the technician's **or mobile intensive care paramedic's**
 12 possession a current emergency medical technician **or mobile intensive care**
 13 **paramedic** identification card [,] and who provides emergency medical care or other
 14 emergency medical service, has the authority to

15 (1) control and direct activities at the accident site or emergency until
 16 the arrival of law enforcement personnel;

17 (2) order a person other than the owner to leave a building or place in
 18 the vicinity of the accident or other emergency for the purpose of protecting the person
 19 from injury;

20 (3) temporarily block a public highway, street, or private right-of-way
 21 while at the scene of an accident, illness, or emergency;

22 (4) trespass upon property at or near the scene of an accident, illness,
 23 or emergency at any time of day or night;

24 (5) enter a building, including a private dwelling, or premises where a
 25 report of an injury or illness has taken place or where there is a reasonable cause to
 26 believe an individual has been injured or is ill to render emergency medical care; and

27 (6) direct the removal or destruction of a motor vehicle or other thing
 28 that the emergency medical technician **or mobile intensive care paramedic**
 29 determines is necessary to prevent further harm to injured or ill individuals.

30 (b) A person who knowingly refuses to comply with an order of an emergency
 31 medical technician **or mobile intensive care paramedic** authorized under (a) of this

1 section is, upon conviction, guilty of a class B misdemeanor. In this subsection,
 2 "knowingly" has the meaning given in AS 11.81.900(a).

3 * **Sec. 9.** AS 18.08.080 is amended to read:

4 **Sec. 18.08.080. Regulations.** (a) The department shall adopt, with the
 5 concurrence of the Department of Public Safety, regulations establishing standards and
 6 procedures for the issuance, renewal, reissuance, revocation, and suspension of
 7 certificates or licenses required under AS 18.08.084, as well as other regulations
 8 necessary to carry out the purposes of this chapter.

9 (b) The department may charge fees set by regulation for the certification or
 10 licensure of individuals and organizations under this chapter.

11 * **Sec. 10.** AS 18.08.082(a) is amended to read:

12 (a) The department shall prescribe by regulation a course of training or other
 13 requirements prerequisite to the issuance of certificates or licenses that provide for the
 14 following:

15 (1) certification of a person who meets the training and other
 16 requirements as an emergency medical technician, emergency medical technician
 17 instructor, or emergency medical dispatcher;

18 (2) authorization for an emergency medical technician certified under
 19 this chapter to provide under the written or oral direction of a physician the advanced
 20 life support services enumerated on the certificate or enumerated on a written
 21 document filed with the department by the technician's medical director and approved
 22 by the department under its regulations;

23 (3) certification that a person, organization, or government agency that
 24 provides an emergency medical service, conducts a training course for a mobile
 25 intensive care paramedic, or represents itself as a trauma center meets the minimum
 26 standards prescribed by the department for that service, course, or designation; [AND]

27 (4) authorization for an emergency medical service certified under this
 28 chapter to provide under the written or oral direction of a physician the advanced life
 29 support services enumerated on the certificate or enumerated on a written document
 30 filed with the department by the medical director for the emergency medical service
 31 and approved by the department under its regulations; and

(5) licensure of a mobile intensive care paramedic and the medical services that a mobile intensive care paramedic may perform, including the

(A) educational and other qualifications, including education in pain management and opioid use and addiction;

(B) application and licensing procedures;

(C) scope of activities authorized; and

(D) responsibilities of a supervising or training physician.

* **Sec. 11.** AS 18.08.082(b) is amended to read:

(b) The department is the central certifying **and licensing** agency for **persons, organizations, or governmental agencies that are** [PERSONNEL] certified **or licensed** under **(a)** [(a)(1) AND (2)] of this section and under regulations adopted under AS 18.08.080.

* **Sec. 12.** AS 18.08.084(a) is amended to read:

(a) One may not represent oneself, nor may an agency or business represent an agent or employee of that agency or business, as an emergency medical dispatcher, emergency medical technician, **mobile intensive care paramedic**, or emergency medical technician instructor certified **or licensed** by the state unless the person represented is certified **or licensed** for that occupation under AS 18.08.082.

* **Sec. 13.** AS 18.08.086(a) is amended to read:

(a) A person certified **or licensed** under AS 18.08.082 who administers emergency medical services to an injured or sick person, a person or public agency that employs, sponsors, directs, or controls the activities of persons certified **or licensed** under AS 18.08.082 who administer emergency medical services to an injured or sick person, or a health care professional or emergency medical dispatcher acting within the scope of the person's certification who directs or advises a person to administer emergency medical services to an injured or sick person is not liable for civil damages as a result of an act or omission in administering those services or giving that advice or those directions if the administering, advising, and directing are done in good faith and the injured or sick person reasonably seems to be in immediate danger of serious harm or death. This subsection does not preclude liability for civil damages that are the proximate result of gross negligence or intentional misconduct,

nor preclude imposition of liability on a person or public agency that employs, sponsors, directs, or controls the activities of persons certified or licensed under AS 18.08.082 if the act or omission is a proximate result of a breach of duty to act created under this chapter. In [FOR THE PURPOSES OF] this subsection, "gross negligence" means reckless, wilful, or wanton misconduct.

* **Sec. 14.** AS 18.08.089(a) is amended to read:

(a) A mobile intensive care paramedic licensed under this chapter, a [OR] physician assistant registered or licensed under AS 08.64.107, or an emergency medical technician certified under this chapter may make a determination and pronouncement of death of a person under the following circumstances:

(1) the mobile intensive care paramedic or emergency medical technician is an active member of an emergency medical service certified under this chapter;

(2) neither a physician licensed under AS 08.64 nor a physician exempt from licensure under AS 08.64 is immediately available for consultation by radio or telephone communications;

(3) the mobile intensive care paramedic, physician assistant, or emergency medical technician has determined, based on acceptable medical standards, that the person has sustained irreversible cessation of circulatory and respiratory functions.

* **Sec. 15.** AS 18.08.200 is amended by adding a new paragraph to read:

(14) "mobile intensive care paramedic" means an individual licensed by the department who has completed a paramedic training program approved by the department and is authorized by law to provide advanced life support under the direct or indirect supervision of a physician.

* **Sec. 16.** AS 29.45.050(r) is amended to read:

(r) A municipality may by ordinance exempt from taxation an amount not to exceed \$10,000 of the assessed value of real property owned and occupied as a permanent place of abode by a resident who provides in the municipality volunteer (1) fire fighting services and is certified as a firefighter by the Department of Public Safety, or (2) emergency medical services or mobile intensive care paramedic

1 **services** and is certified **or licensed** under AS 18.08.082. If two or more individuals
 2 are eligible for an exemption for the same property, not more than two exemptions
 3 may be granted.

4 * **Sec. 17.** AS 37.05.146(c)(77) is amended to read:

5 (77) the following fees, receipts, income, and monetary recoveries
 6 collected by the Department of Health and Social Services:

7 (A) receipts of the Department of Health and Social Services,
 8 Bureau of Vital Statistics;

9 (B) monetary recoveries of Medicaid expenditures from
 10 recipients, third parties, and providers under AS 47;

11 (C) the state's share of overpayments collected under
 12 AS 47.05.080;

13 (D) income received from a state or federal agency for children
 14 in foster care under AS 47.14.100;

15 (E) fees received or collected under AS 44.29.022 for nursing
 16 and planning services provided at health centers, genetic screening clinics and
 17 specialty clinics, the certification of x-ray machines, the alcohol safety action
 18 program, and other public health programs and services;

19 (F) fees received under AS 18.08.080 for the certification **or**
 20 **licensure** of emergency medical technicians, emergency medical dispatchers,
 21 **mobile intensive care paramedics**, and emergency medical technician
 22 instructors;

23 (G) fees received under AS 47.32;

24 (H) the state's share of child support collections for
 25 reimbursement of the cost of the Alaska temporary assistance program as
 26 provided under AS 25.27.120, 25.27.130, and AS 47.27.040; and

27 (I) monetary recoveries under AS 09.58 (Alaska Medical
 28 Assistance False Claim and Reporting Act);

29 * **Sec. 18.** AS 08.64.366, 08.64.380(3), and 08.64.380(4) are repealed.

30 * **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to
 31 read:

1 TRANSITION: EXISTING REGISTRATIONS; REGULATIONS. (a)
 2 Notwithstanding the amendment to AS 08.64.107 made by sec. 3 of this Act, a registration of
 3 a mobile intensive care paramedic issued before the effective date of sec. 3 of this Act is valid
 4 until the registration

5 (1) expires under AS 08.64.107, as that section read on the day before the
 6 effective date of sec. 3 of this Act;

7 (2) is suspended or revoked; or

8 (3) is converted to a license under AS 18.08.082(a) and (b), as amended by
 9 secs. 10 and 11 of this Act.

10 (b) On January 1, 2022, the Department of Commerce, Community, and Economic
 11 Development and the State Medical Board shall transfer the files of all pending records and
 12 proceedings, including applications and disciplinary actions, relating to mobile intensive care
 13 paramedics to the Department of Health and Social Services.

14 (c) The Department of Health and Social Services shall adopt regulations necessary to
 15 implement this Act. The regulations must allow for the conversion of an unexpired
 16 registration of a mobile intensive care paramedic issued under regulations authorized by
 17 AS 08.64.107, as that section read on the day before the effective date of sec. 3 of this Act, to
 18 a license under AS 18.08.082(a) and (b), as amended by secs. 10 and 11 of this Act.

19 * **Sec. 20.** Section 19(c) of this Act takes effect immediately under AS 01.10.070(c).

20 * **Sec. 21.** Except as provided in sec. 20 of this Act, this Act takes effect January 1, 2022.